

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**JERMAINE A. HAMPTON,**  
Petitioner,

v.

**Case No. 19-C-1393**

**SECRETARY OF HEALTH AND  
HUMAN SERVICES,**  
Respondent.

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**DECISION AND ORDER**

Jermaine A. Hampton, an inmate confined at the Waupun Correctional Institution, filed a pro se “Petition for Compensation for Flu Vaccine Injury,” seeking compensation under the National Vaccine Injury Compensation Act, 42 U.S.C. §§ 300aa–10, *et seq.* However, “[a] proceeding for compensation under the Program for a vaccine-related injury or death shall be initiated by service upon the Secretary [of Health and Human Services] and the filing of a petition containing [certain specified matters] *with the United States Court of Federal Claims.*” 42 U.S.C. § 300aa–11(a) (emphasis added). The petitioner mistakenly filed his petition here instead of with the Court of Federal Claims. Congress has not conferred jurisdiction on any federal court other than the Court of Federal Claims to make compensation determinations under the Vaccine Act. See 42 U.S.C. § 300aa–12(a). Thus, the petition will be dismissed without prejudice. If the petitioner wishes to proceed with a claim for compensation under the Vaccine Act, he should file a petition in the Court of Federal Claims as soon as possible.

For the reasons stated, **IT IS ORDERED** that the petition is **DISMISSED WITHOUT PREJUDICE** for lack of jurisdiction.

**IT IS FURTHER ORDERED** that the motion for leave to proceed without prepaying the filing fee is **DENIED** as **MOOT**.

Dated at Milwaukee, Wisconsin, this 29th day of October, 2019

s/Lynn Adelman  
LYNN ADELMAN  
United States District Judge